

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NIGEL DWAYNE PARMS,)	
)	
Plaintiff,)	Case No. 1:11-cv-324-SJM-SPB
)	
v.)	
)	
MICHAEL W. HARLOW, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on December 30, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on September 11, 2012 [27], recommends that the Defendants' partial motion to dismiss the complaint [20] be granted in part and denied in part. Plaintiff was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI-Albion, where he is incarcerated, and on Defendants. No objections to the Report and Recommendation have been filed to date. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd Day of October, 2012;

IT IS ORDERED that the defendants' partial motion to dismiss the complaint [20] shall be, and hereby is, DENIED in part and GRANTED in part as follows:

1. Said motion is DENIED insofar as it relates to Plaintiff's Eighth Amendment deliberate indifference claim and Plaintiff's ADA claim for prospective injunctive relief; and
2. Said motion is GRANTED in all other respects.

The Report and Recommendation of Magistrate Judge Baxter, filed on September 11, 2012 [27], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter